

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MR. DONALDS OF FLORIDA

At the end of title XVIII, insert the following:

1 **SEC. 18 ____. EVALUATION OF CBP'S IMPLEMENTATION OF**
2 **AN INTEGRATED BIOMETRIC ENTRY AND**
3 **EXIT DATA SYSTEM.**

4 (a) EVALUATION.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this section, the
7 Secretary of Homeland Security shall submit to the
8 Committee on Homeland Security and the Com-
9 mittee on the Judiciary of the House of Representa-
10 tives and the Committee on Homeland Security and
11 Governmental Affairs and the Committee on the Ju-
12 diciary of the Senate an evaluation of the status of
13 efforts to implement an integrated entry and exit
14 data system in accordance with section 110 of the
15 Illegal Immigration Reform and Immigrant Respon-
16 sibility Act of 1996 (8 U.S.C. 1365a; in this section
17 referred to as the “System”).

1 (2) CONTENTS.—The evaluation required under
2 paragraph (1) shall include information relating to
3 the following:

4 (A) An evaluation of the ongoing efforts to
5 implement the System, including information on
6 pre-existing requirements, design, development,
7 operational, and maintenance costs relating to
8 the System, and other information that takes
9 into account prior reports on such matters
10 issued by the Government Accountability Office
11 and the Department of Homeland Security.

12 (B) An evaluation of cost-effective staffing
13 and personnel requirements of the System that
14 leverages existing resources of the Department
15 and takes into account prior reports on such
16 matters issued by the Government Account-
17 ability Office and the Department.

18 (C) An evaluation of training programs
19 necessary to establish the System that takes
20 into account prior reports on such matters
21 issued by the Government Accountability Office
22 and the Department.

23 (D) An evaluation of how the System will
24 affect arrival and departure wait times that
25 takes into account prior reports on such mat-

1 ters issued by the Government Accountability
2 Office and the Department.

3 (E) An evaluation of audit capability for
4 systems procured in partnership with the pri-
5 vate sector.

6 (F) An evaluation of prior and ongoing
7 consultation with the private sector, including
8 how the System would impact the following:

9 (i) The trucking industry.

10 (ii) The airport industry.

11 (iii) The airline industry.

12 (iv) The seaport industry.

13 (v) The travel industry.

14 (vi) The biometric technology indus-
15 try.

16 (G) An evaluation how trusted traveler
17 programs in existence as of the date of the en-
18 actment of this section may be impacted by, or
19 incorporated into, the System.

20 (H) An evaluation of milestones and
21 metrics of success, if any, that have occurred
22 already, and whether such milestones and
23 metrics should be updated to successfully carry
24 out the congressional directive to establish the
25 System.

1 (I) An evaluation of risks and mitigation
2 strategies to address such risks.

3 (J) The effects of the System on the fol-
4 lowing:

5 (i) Legitimate travel and trade.

6 (ii) Wait times, including processing
7 times, for non-pedestrian traffic.

8 (iii) Combating terrorism.

9 (iv) Identifying visa holders who vio-
10 late the terms of their visas.

11 (3) REQUIREMENT.—The Secretary of Home-
12 land Security, in consultation with appropriate in-
13 dustry stakeholders, shall ensure that the collection
14 of biometric data under the System shall cause the
15 least possible disruption to the movement of people
16 or cargo in air, sea, or land transportation while ful-
17 filling the goals of improving counterterrorism ef-
18 forts and identifying visa holders who violate the
19 terms of their visas.

20 (4) TERMINATION OF PROCEEDING.—Notwith-
21 standing any other provision of law, the Secretary of
22 Homeland Security shall, on the date of the enact-
23 ment of this section, terminate the proceeding enti-
24 tled “Collection of Alien Biometric Data Upon Exit
25 From the United States at Air and Sea Ports of De-

1 parture; United States Visitor and Immigrant Sta-
2 tus Indicator Technology Program (“US-VISIT”’),
3 issued on April 24, 2008 (73 Fed. Reg. 22065).

4 (b) DATA MATCHING ASSESSMENT.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this section, the
7 Secretary of Homeland Security shall submit to the
8 Committee on Homeland Security and the Com-
9 mittee on the Judiciary of the House of Representa-
10 tives and the Committee on Homeland Security and
11 Governmental Affairs and the Committee on the Ju-
12 diciary of the Senate an assessment of how the Sys-
13 tem is currently—

14 (A) matching biometric information for an
15 individual, regardless of nationality, citizenship,
16 or immigration status, who is departing the
17 United States against biometric data previously
18 provided to the United States Government by
19 such individual for the purposes of international
20 travel;

21 (B) leveraging the infrastructure and data-
22 bases of the current biometric entry and exit
23 system established pursuant to section 7208 of
24 the Intelligence Reform and Terrorism Preven-

1 tion Act of 2004 (8 U.S.C. 1365b) for the pur-
2 pose described in paragraph (1); and

3 (C) being interoperable with, and allow
4 matching against, other Federal databases
5 that—

6 (i) store biometrics of known or sus-
7 pected terrorists; and

8 (ii) identify visa holders who violate
9 the terms of their visas.

10 (2) PROHIBITION.—The assessment required
11 under paragraph (1) shall not include any informa-
12 tion relating to citizens of the United States.

13 (c) EXCEPTIONS FOR CERTAIN INDIVIDUALS AND
14 CERTAIN PORTS OF ENTRY.—An evaluation of whether
15 certain individuals, as described as an individual who exits
16 and then enters the United States on a passenger vessel
17 (as such term is defined in section 2101 of title 46, United
18 States Code) the itinerary of which originates and termi-
19 nates in the United States, in addition to an evaluation
20 of considerations relating to not collecting biometric infor-
21 mation in the case of a United States or Canadian citizen
22 who exits the United States through a land port of entry.

23 (d) FURTHER EVALUATIONS.—Not later than 120
24 days after the date of the enactment of this section, the
25 Secretary of Homeland Security shall submit to the Com-

1 mittee on Homeland Security and the Committee on the
2 Judiciary of the House of Representatives and the Com-
3 mittee on Homeland Security and Governmental Affairs
4 and the Committee on the Judiciary of the Senate the fol-
5 lowing evaluations:

6 (1) COLLECTION OF DATA.—An evaluation of
7 whether ongoing efforts have required any non-Fed-
8 eral person to collect biometric data, or contribute to
9 the costs of collecting or administering the System,
10 except through a mutual agreement, and whether
11 such should continue to ultimately carry out the es-
12 tablishment of the System.

13 (2) MULTIMODAL COLLECTION.—An evaluation
14 of whether the Secretary has made every effort to
15 collect biometric data using multiple modes of bio-
16 metrics, and how the Secretary can improve, mod-
17 ernize, and take advantage of innovation relating to
18 using multiple modes of biometrics.

19 (3) NORTHERN LAND BORDER.—With respect
20 to the northern land border, an evaluation of wheth-
21 er the sharing of biometric data provided to the De-
22 partment of Homeland Security by the Canadian
23 Border Services Agency pursuant to the 2011 Be-
24 yond the Border agreement has occurred and the
25 impacts of such data sharing agreement.

1 (4) FULL AND OPEN COMPETITION.—An eval-
2 uation of whether the procurement of goods and
3 services to implement the System has been through
4 full and open competition in accordance with the
5 Federal Acquisition Regulation.

6 (5) FACILITIES.—An evaluation of whether fa-
7 cilities at which the System is implemented has pro-
8 vided and maintained space for Federal use that is
9 adequate to support biometric data collection and
10 other inspection-related activity.

11 (e) SPECIAL RULES RELATING TO CERTAIN FACILI-
12 TIES.—

13 (1) NON-FEDERAL FACILITIES.—With respect
14 to each non-Federal facility at which the System is
15 implemented, the space required for such implemen-
16 tation shall be provided and maintained at no cost
17 to the Federal Government.

18 (2) LAND PORTS OF ENTRY.—With respect to
19 each facility at a land port of entry at which the
20 System is implemented, the space required for such
21 implementation shall be coordinated with the Admin-
22 istrator of General Services.

23 (f) OTHER BIOMETRIC INITIATIVES.—Nothing in
24 this section may be construed as limiting the authority of
25 the Secretary of Homeland Security to collect biometric

1 information in circumstances other than as specified in
2 this section.

3 (g) SAVINGS CLAUSE.—Nothing in this section may
4 prohibit the collection of user fees permitted by section
5 13031 of the Consolidated Omnibus Budget Reconciliation
6 Act of 1985 (19 U.S.C. 58c).

